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Revision of Food Labeling Requirements

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Report Highlights:

The Korea Food & Drug Administration (KFDA) announced a revision of Labeling Standards for Food et al. on May 18, 2009. Major changes included in this revision are new inner packaging labeling requirements for double-packaged products and a restriction of the use of images such as pictures photos of fruit for products that are made with synthetic flavors only. The This report provides a full translation of the revised labeling standards announced on May 18, 2009.

General Information:

The Korea Food & Drug Administration (KFDA) announced a revision of Labeling Standards for Food et al. on May 18, 2009. Major changes included in this revision are new inner packaging labeling requirements for double-packaged products and a restriction of the use of images such as pictures photos of fruit for products that are made with synthetic flavors only. The Attaché Report [KS9025](#) provides a brief description of the new labeling requirements. This report provides a full translation of the revised labeling standards announced on May 18, 2009.

KFDA Notice #2009-31

Revised Labeling Standards for Food et al.

1. Background

The revision is to make it mandatory to declare the product name, sell-by date, etc. on inner packages of double-packaged products; and to provide accurate product information concerning sell-by date, nutrients, etc. of individually packaged food items within the outer packages of confections, etc. favored by children; and to otherwise improve upon inadequacies of the current system so as to provide the consumer with accurate information to make better food choices.

2. Gist

A. The labeling standards for inner packages of double packaged products are strengthened (Article 5 Section 1 and Article 5 Section 3.D).

(1) Products, such as confections and chocolates are being sold near schools without sell-by dates and other important information. These are inner packages of products not subject to the labeling requirements and sold individually with outer packages arbitrarily removed. It is necessary to provide the consumer with accurate information on inner packages of double-packaged products.

(2) The labeling requirements apply to the smallest unit of sale, but if the food items of a product are individually packaged again within the outer package and the packaging area of an individual package exceeds 30 cm², the product name, net content, nutrients, etc. shall be declared.

(3) The revision is expected to improve the consumer's right to information by making it mandatory to declare necessary labeling information on inner packages as well.

B. The use of images including photos and the word "flavor" will be prohibited on products using synthetic flavoring agents (Article 7 Section 3, and Annex 1 Section 1.A.1)C)(3)).

(1) Photos and pictures and other images representing the raw materials mimicked by synthetic flavoring agents may mislead/confuse consumers into believing that the product contains such raw materials.

(2) If the flavor of the original material is created with synthetic flavors, the use of pictures, photos, etc. representing the material will be prohibited; and if a product creates the flavor of a raw material

only with synthetic flavoring agents and is to use the raw material as the product name, the word “flavor” shall be used next to the raw material name; the type size of the word “flavor” shall be the same as or larger than that used for the product name; and the label “Synthetic OO flavor added (contained)” or “Synthetic flavoring agent(s) added (contained),” etc. shall be placed near the product name.

(Example) Strawberry-flavor candy (synthetic strawberry flavor added)

(3) The revision is expected to prevent misleading/confusion of consumers by clarifying about the labeling of products using only synthetic flavoring agents to create the flavor of raw materials.

C. The labeling of the contents of raw materials used as product names are revised (Annex 1 Section 1.A.1)C)(1)).

(1) Under the current standards, the content of a raw material is not declared in the section for raw material names in the back of the product if the name of the raw material is used as the product name. To provide the consumer with accurate information, it is necessary to make it mandatory to declare the content of the raw material on the principal display panel.

(2) In the case that a specific raw material is to be used as the product name, the name and content of the raw material shall be stated on the principal display panel.

(Example) Apple juice (apple, 20%)

(3) The revision is expected to provide the consumer with accurate information by ensuring that the content of a raw material used as the product name should be declared in a way that consumers may find the information easily.

D. It is made mandatory to provide the telephone number “1399” for the reporting of consumer complaints, etc. (Annex 1 Section 1 A.10) J)).

(1) Consumers’ mistrust of foods has been increasing due to recent incidents involving foreign materials and melamine, etc. Many consumers do not know how to report when fraudulent/unsanitary foods are identified.

(2) To help consumers file complaints or damage due to foods quickly, the statement “Call 1399 to report fraudulent/illegal foods” should be placed on the container/package of foods.

E. The revision is expected to ensure safe supply of foods for consumers by ensuring expedient reporting of fraudulent/illegal foods.

Addenda

Article 1 (Effective date)

This Notice shall go into effect upon announcement.

Article 2 (Interim measures)

1. The same foods as those manufactured/processed or imported at the time of entry into force of this Notice (including foods shipped for importation) may be labeled in accordance with the current provisions until April 30, 2010 on the basis of the date of manufacture or import. In this case, such foods may be sold or displayed or transported for sale or used for businesses purposes until the sell-by dates of the foods.

2. The provision above in Paragraph 1 notwithstanding, interim measures shall not apply to the deletion of ‘butyl parahydroxybenzoate,’ ‘propyl parahydroxybenzoate,’ ‘isobutyl parahydroxybenzoate,’ and ‘isopropyl parahydroxybenzoate’ from the list of food additives in [Table 4].

Comparison of Revised and Current Provisions (Note: Revised parts are in bold)

Article 4 (Labeling information)

Labeling information for foods, etc. shall be as follows:

7. Net content (excluding utensils or containers/packages) →

7. Net content (calories corresponding to net content): the net content shall exclude utensils or containers/packages and the calories corresponding to the net content shall be declared only for products subject to the nutrient content labeling requirements.

Article 5 (Labeling methods)

The labeling methods for foods (including imported foods, etc. This definition shall apply hereinafter):

1. Labeling information shall be stated on the container/package of the smallest unit of sale by which a product is sold to consumers. In the case of dried fruits and candies, chocolates, gums and jams which are individually packaged within the outer package and have low potential of posing sanitary hazard, however, labeling information may be provided on the containers/packages of the smallest unit of distribution. →

1. Labeling information specified in Article 4 shall be stated on the container/package of the smallest unit of sale by which a product is sold to consumers.

1-2. In the case of products which are to be sold to consumers and whose contents are packaged again inside the outer package, the product name, net content, and calories corresponding to the net content, sell-by date or best-before date, nutrition facts shall be declared if the area of the largest packaging panel exceeds 30cm².

3. Labeling information shall be stated conspicuously as follows using colors contrasting with the color used for the background on the principal display panel, centralized labeling panel (the panel where labeling information is stated centrally so as to let consumers find such information easily) and other labeling panels (all labeling panels including the principal and centralized labeling panels). This requirement, however, does not apply to products in bottles with caps which are recovered and reused.

Labeling information and type sizes by panel

Panels	Labeling information	Type sizes
1) Principal display panel	A) Product name B) Net content	6 or larger 12 or larger
2) Centralized labeling panel	A) Product category B) Date of manufacture C) Sell-by or best-before date D) Raw material names and contents E) Ingredient names and contents	8 or larger 10 or larger 10 or larger 7 or larger 7 or larger
3) Other labeling panels	A) Name and place of business B) Nutrients C) Warnings D) Other information	6 or larger 8 or larger 8 or larger 6 or larger

→

Panels	Labeling information	Type sizes
1) Principal display panel	A) Product name B) Net content (calories for the net content)	6 or larger 12 or larger
2) Centralized labeling panel	A) Product category B) Date of manufacture C) Sell-by or best-before date D) Raw material names and contents E) Ingredient names and contents	8 or larger 10 or larger 10 or larger 7 or larger 7 or larger
3) Other labeling panels	A) Name and place of business B) Nutrients C) Warnings D) Other information	8 or larger 8 or larger 8 or larger 6 or larger

New addition) D. The provision above in Section A notwithstanding, the labeling information and type sizes of a product whose food items are individually packaged within the outer package shall be as follows:

Labeling information	Type sizes
A) Product name	6 or larger
B) Net content (calories for the net content)	12 or larger
C) Sell-by or best-before date	10 or larger
D) Nutrients	8 or larger

Article 6 (Safety warnings)

3. Utensils or containers/packages

New addition) C. A warning shall be placed that utensils and containers/packages made of polystyrene or melamine resin should not be used for the heating/cooking of food in a microwave oven.

Article 7 (Prohibition of misleading/confusing labels)

A person engaged in the manufacture/processing /import/packaging into smaller units/sale of foods, etc. subject to the labeling requirements specified under Article 3 shall not place any of the following misleading/confusion labels on the containers/packages, etc. of foods:

New addition) 3. In the case that only synthetic flavoring agents are used to mimic the flavor or taste of a raw material, pictures/photos, etc. representing the flavor or taste of the raw material.

[Annex 1]

Detailed Labeling Standards for Foods, etc.
(Relating to Article 9)

1. Common standards for foods, etc.

A. Foods (including imported foods)

1) Product name

C) The name of a raw material or ingredient may be used as the product name or part of the product name in the following cases:

In the case that the name of a raw material or ingredient used in the manufacture/processing of a product is to be used as the product name or part of the product name or in the case that the names of two or more raw materials are to be combined and used as part of the product name, the name(s) and content(s) of the raw material(s) or ingredient(s) shall be stated on the principal display panel or the raw material or ingredient section using a 12-point or larger type size. If a smaller than 22-point type size is used for the product name, however, a 7-point or larger type size shall be used.

→ In the case that the name of a raw material or ingredient used in the manufacture/processing of a product is to be used as the product name or part of the product name or in the case that the names of two or more raw materials are to be combined and used as part of the product name, the name(s) and content(s) of the raw material(s) or ingredient(s) shall be stated **on the principal display panel** using a 12-point or larger type size. If a smaller than 22-point type size is used for the product name, however, a 7-point or larger type size shall be used.

(4) In the case that the name of a raw material or ingredient added for “taste” or “flavor” is to be used as the product name or part of the product name, the word “taste” or “flavor” shall be added next to the name of the raw material or ingredient in the product name using the same type size as that used for the product name; and the name of the raw material or ingredient and the content

thereof shall be stated or the label “OO flavor added” or “OO flavor contained” shall be added near the product name.

(4) In the case that the name of a synthetic flavoring agent added for “taste” or “flavor” is to be used as the product name or part of the product name, the word “flavor” shall be used next to the name of the raw material or ingredient, provided that the type size shall be the same as or larger than that used for the product name and the label “Synthetic OO flavor added (contained)” or “Synthetic flavoring agent added (contained),” etc. shall be placed near the product name.

(Example) Strawberry-flavor candy (Synthetic strawberry flavor added)

D) In the case that the product name of an imported food is to be stated in Korean, the product name translated from a foreign language into Korean may be used, provided that the product name translated into Korean shall meet the standards. In this case, “product name in Korean (product name in a foreign language)” or “product name in a foreign language (product name in Korean)” shall be stated.

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D) In the case that the product name of an imported food is to be stated in Korean, the product name translated from a foreign language into Korean may be used, provided that the product name translated into Korean shall meet the standards. ~~In this case, “product name in Korean (product name in a foreign language)” or “product name in a foreign language (product name in Korean)” shall be stated.~~

4) Date of Manufacture

C. Detailed labeling standards by food category

(2) Canned products: the last digit of the year may be stated for the year; O, N, and D may be stated respectively for October, November, and December; and “0” may be placed in front of the dates from 1 to 9.

(4) Milk/fermented milk or lactic acid bacteria beverages (including pasteurized lactic acid bacteria beverages): just the “day” may be stated for the date of manufacture.

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~~(2) Canned products: the last digit of the year may be stated for the year; O, N, and D may be stated respectively for October, November, and December; and “0” may be placed in front of the dates~~

from 1 to 9.

~~(4) Milk/fermented milk or lactic acid bacteria beverages (including pasteurized lactic acid bacteria beverages): just the “day” may be stated for the date of manufacture.~~

6) Net Content

New addition) D) In the case that the net content is to be declared for a food subject to the nutrition labeling requirements, the calories corresponding to the net content shall also be declared in parentheses next to the net content.

(Example) 100 g (240 kcal)

7) Names and contents of raw materials

A) The names of all raw materials (excluding purified water which does not remain in the final product) used in the manufacture/processing of a food shall be declared in the descending order of quantities used. The names of the main raw materials as specified in the standards and specifications for foods established pursuant to Article 7 of the Act, however, may be stated before others, and in the case that the contents are less than 2% in weight, the raw materials may be declared regardless of the order as determined based on the quantities used.

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7) Names and contents of raw materials

The labeling of foods shall be done as follows:

A) The names of all raw materials (excluding purified water which does not remain in the final product) used in the manufacture/processing of a food shall be declared in the descending order of quantities used. The names of the main raw materials as specified in the “Standards and Specifications for Foods” (KFDA Notice) established pursuant to Article 7 of the Act, however, may be stated before others, and in the case that the contents are less than 2% in weight, the raw materials may be declared regardless of the order as determined based on the quantities used.

New addition) B) In the case that a composite raw material is used, the name of the composite raw material shall be stated and the names of 5 or more raw materials or ingredients with the highest contents except for purified water used in the composite raw material shall be declared in parentheses. In the case that a food additive contained in a

composite raw material has an effect on the product concerned, the name of the additive shall be declared.

B) The labeling of food additives shall be done as follows:

(3) If a food additive is a mixture, the name of the mixture shall be stated and all the constituent food additives, etc. may be declared or listed in the parentheses. In this case, the names, etc. of food additives may be declared pursuant to the provision above in Paragraph (2). [Example: alkali preparation to be added to noodles (sodium carbonate, calcium carbonate)]

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(3) If a food additive is a mixture, the name of the mixture shall be stated and all the constituent food additives, etc. **shall be declared** in parentheses. In this case, the names, etc. of food additives may be declared pursuant to the provision above in Paragraph (2). [Example: alkali preparation to be added to noodles (sodium carbonate, calcium carbonate)]

C) The provisions above in Paragraphs A) and B) notwithstanding, labeling may be done in the following manner in the case of the following:

(1) In the case that a composite raw material is used, the name of the composite raw material shall be stated and the names of 5 or more raw materials or ingredients with the highest contents except for purified water used in the composite raw material shall be declared in parentheses. In the case that a food additive contained in a composite raw material has an effect on the product concerned, the name of the additive shall be declared.

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~~(1) In the case that a composite raw material is used, the name of the composite raw material shall be stated and the names of 5 or more raw materials or ingredients with the highest contents except for purified water used in the composite raw material shall be declared in parentheses. In the case that a food additive contained in a composite raw material has an effect on the product concerned, the name of the additive shall be declared.~~

9) Nutrients, etc.

D) Labeling methods

(1) Common standards

(D) Nutrition labeling shall be done pursuant to the following standards using the format in [Format 2].

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(D) Nutrition labeling shall be done pursuant to the following standards **using conspicuous colors against that of the background and using the format in [Format 2].**

④ In the case that two or more individually packaged food items of a product correspond to one serving, the nutrition facts per serving shall be declared on the container/package of the smallest unit of sale of the product, and nutrition facts per net content of an individual package may be declared on the individual packages.

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④ In the case that a product contains individually packaged food items corresponding to two or more servings, nutrition facts per serving shall be declared on the container/package of the smallest unit of sale of the product; and nutrition facts per net content of an individual inner package may be declared on individual inner packages within the outer package.

⑤ In the case that a product does not have a reference amount per serving and contains 100g (ml) or more; or that a product contains two or more servings, nutrition facts may be declared both per 100g (ml) or serving and total net content.

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⑤ In the case that a product does not have a reference amount per serving and contains 100g (ml) or more; or **that a product contains two or more servings of individually packaged food items**, nutrition facts may be declared both per 100g (ml) or serving and total net content.

10) Other labeling information

New addition - J) The statement “Call 1399 to report fraudulent/illegal foods” shall be placed on the container/package of a food so as to facilitate the reporting of complaints and damage suffered by consumers.

3. Specific labeling standards by food category

9) Sugar syrups: The name of a raw material or ingredient other than sugar syrup shall not be used as the product name.

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17) Coffee

A) Roasted B) Coffee C) Instant coffee D) Prepared coffee E) Liquid coffee	3) In the case of liquid coffee to be consumed after dilution, the appropriate dilution ratio shall be stated.
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17) Coffee

A) Roasted B) Coffee C) Instant coffee D) Prepared coffee E) Liquid coffee	3) In the case of liquid coffee to be consumed after dilution, the appropriate dilution ratio shall be stated.
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[Table 4]

Food additives for which both names and uses should be declared

Food additives	Uses
Dehydroacetic acid Sodium dehydroacetate Sorbic acid Potassium sorbate Calcium sorbate Benzoic acid Sodium benzoate Potassium benzoate Calcium benzoate Methyl parahydroxybenzoate <u>Butyl parahydroxybenzoate</u> Ethyl parahydroxybenzoate <u>Propyl parahydroxybenzoate</u> <u>Isobutyl parahydroxybenzoate</u> <u>Isopropyl parahydroxybenzoate</u> Propionic acid Sodium propionate Calcium propionate	Synthetic preservative

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Food additives	Uses
Dehydroacetic acid Sodium dehydroacetate Sorbic acid Potassium sorbate Calcium sorbate Benzoic acid Sodium benzoate	Synthetic preservative

Potassium benzoate	
Calcium benzoate	
Methyl parahydroxybenzoate	
Butyl parahydroxybenzoate	
Ethyl parahydroxybenzoate	
Propyl parahydroxybenzoate	
Isobutyl parahydroxybenzoate	
Isopropyl parahydroxybenzoate	
Propionic acid	
Sodium propionate	
Calcium propionate	